

JUN 17 2008

PATENT
CUSTOMER NUMBER, 34,986
Docket No. 01064.0011-05000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard LEVY

Serial No.: 09/359,809

Filed: July 21, 1999

For: LUBRICANT COMPOSITIONS AND
METHODSCommissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Lee County Mosquito Control District submits this Terminal Disclaimer in response to the examiner's new rejection of the pending claims in this application set forth in her April 25, 2008 Examiner's Answer.

Assignee, Lee County Mosquito Control District, duly organized under the laws of Florida and having its principal place of business at 15191 Homestead Road, Lehigh, Florida, 33971, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the instant application, in the name of Richard Levy, by assignment of the parent application duly recorded in the United States Patent and Trademark Office at Reel 7895, Frame 0372 on March 27, 1996.

Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, of United States Patent No. 7,338,926 ["the patent"] and any patent that may issue on co-pending United States Patent

Application Serial No. 10/614,114 ["the co-pending application"]. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent and/or any patent that may issue on the co-pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent and/or any patent that may issue on the co-pending application in the event that the patent and/or any patent that may issue on the co-pending application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

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Applicant pays the 37 C.F.R. § 1.20(d), fee of \$65.00 (small entity) by means of PTO Form 2038 submitted with this Terminal Disclaimer. The undersigned is an attorney of record.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

By: 
Robert J. Eichelburg

Dated: June 17, 2008

CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 C.F.R. § 1.6 (d)

I hereby certify that I am transmitting this correspondence and the attached Form PTO 2038 to the United States Patent and Trademark Office pursuant to 37 C.F.R. § 1.6 (d) at their central FAX number (571) 273-8300 on the date indicated below.

Dated: June 17, 2008

By: 
Robert J. Eichelburg